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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,905	01/03/2002	Akira Karasudani	1614.1207	9594
21171	7590	09/26/2005	EXAMINER	
STAAS & HALSEY LLP			AL HASHMI, SANA A	
SUITE 700				
1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			2161	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/033,905	KARASUDANI ET AL.
	Examiner Sana Al-Hashemi	Art Unit 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-4,7-9,12-14,17-19 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-4,7-9,12-14,17-19 and 21-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This action is issued in response to applicant's RCE filed 8/23/05.
2. Claims 1,5,6,10,11,15,16, and 20 have been canceled. Claims 21-32 have been added. Claims 2-4, 7-9, 12-14, and 17-19, have been amended.
3. Claims 2-4,7-9, 12-14, 17-19, and 21-32, are pending.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 03, 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2-4,7-9, 12-14, 17-19, and 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Elko et al. (US Patent No. 5,537,574).

Regarding Claims 25, 29, 30, 31, and 32, Elko discloses a file device that records a file to storage means divided among a plurality of blocks, comprising:

block allocation means for allocating blocks to record the file in the storage means (Fig. 1, CPC-1, CPC-M, column 5, lines 43-47, Elko);

management information production means for producing management information designating blocks allocated by the block allocation means (Fig. 1, DASD Director, column 5, lines 48-53, Elko); and

storage control means for recording the files in the storage means after recording the management information produced by the management information production means in the storage means (Fig. 1, 101, column 5, lines 61-65, Elko).

Regarding Claims 2, 7, 12, and 17, Elko discloses a file device, wherein the storage control means attaches information indicating a preceding block and information indicating a size of data to be recorded in a block to the data recorded in the block and records to the storage control means (column 16, lines 40-48, Elko).

Regarding Claims 3, 8, 13, and 18, Elko discloses a file device, wherein the storage control means updates the management information so that, when a data-unrecorded block occurs among the blocks allocated by the block allocation means when recording the file, the unrecorded block becomes an unused block (column 17, lines 2-8, Elko<sup>1</sup>).

Regarding Claims 4, 9, 14, and 19, Elko discloses a file device, wherein the storage control means has storage sequence setting means for setting a storage sequence of data that makes up the file, the data that makes up the file being allocated among blocks to be recorded by the block allocation means based on the sequence set by the storage sequence setting means and recorded to the allocated blocks (Fig. 32, 3201, column 51, lines 14-19, Elko).

Regarding Claim 7, Elko discloses a computer implemented data access method wherein said recording in the blocks with the file attaches to each block that records with the file, data indicating a preceding block and data indicating a size of data to be recorded therein (column 16, lines 40-48, Elko).

Regarding Claim 21, 22, 23, and 24, Elko discloses a file device further comprising:

A file accessing unit accessing the blocks in sequential order according to the management information to read the file and, when either the information indicating the preceding block does not indicate the preceding block in the file or the information indicating a size of data recorded in the one or more blocks is not within an actual block size range, stopping the reading of the file and updating the management information so that succeeding blocks become unused blocks (Col. 29, lines 30-39, Elko).

Regarding Claim 26, Elko discloses at least one computer-readable medium wherein said recording of the sequence information includes recording an identifier of a preceding block in each block after an initial block (Fig. 9, 901, Elko).

Regarding Claim 27, Elko discloses at least one computer-readable medium wherein said recording further includes recording in each block, size information indicating an amount of data recorded therein (Col. 16, lines 38-49, Elko)

Regarding Claim 28, Elko discloses a file device, having file readout means, such that when information indicating the preceding block does not indicate the preceding block as a result of the block being accessed in sequence depending on the management information, the file being read out, and data being read out from the block, or when information indicating the size

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<sup>1</sup> The process of submitting the “cache miss” which indicates the data does not reside in the cache reads on

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of the data recorded in the block is outside the actual block size range, the file readout means halts readout of the file and updates the management information so that subsequent blocks become unused blocks (column 51, lines 20-38, Elko<sup>2</sup>).

***Response to Amendment***

Applicant's arguments filed 8/23/05 have been fully considered but they are not persuasive.

Applicant argues that the Elko reference fails to disclose a “recording the file … after recording the management information” (claim 1, lines 6-8) or the similar limitations recited in claims 6, 11, and 16.

Examiner respectfully disagrees. The independent claims beside the where canceled they do not contain the argued limitation “recording the file … after recording the management information”. Since the claims discloses a limitation of “recording in the block with the file” no mention for the recording step is happening before or after.

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<sup>2</sup> unrecorded block which indicates the block “unused”.

<sup>2</sup> The step of setting the field to 0 since the page can not be located corresponds to unused block, since the block is stored with no data.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
September 19, 2005